

THE HONOURABLE SRI JUSTICE M.S. RAMACHANDRA RAO

Arbitration Application No.13 of 2018

ORDER:

This Application is filed seeking appointment of an Arbitrator under Section 11(5)(6) of the Arbitration and Conciliation Act, 1996 to decide the disputes between the parties arising under the Development Agreement-cum-General Power of Attorney with possession dt.05.10.2006 between the parties.

2. Clause 15 of the said Agreement contains the Arbitration Clause and states as under:

“15. In case of any dispute arises between the parties hereto touching these presents the matter shall be referred to the arbitrators one chose by each party and in case of any difference of opinion between such arbitrators, they shall nominate a common umpire and their award shall be final and binding on both the parties and the relevant provisions of the Arbitration Act shall apply.”

3. Admittedly, the petitioner gave a legal notice to the respondent on 09.07.2015 for resolution of the disputes arose between the parties but the respondent did not reply to the same. Thereafter, the petitioner sent another legal notice dt.15.11.2017, which was also received on 16.11.2017 by the respondent, according to the petitioner, but there is no response to the same.

4. Notice in this Arbitration Clause has been served on the respondent but there is no response from the respondent. Therefore, Sri Justice P.Lakshmana Reddy, H.No.3-3-109/53, Pleasant Park Layout, Road No.9, Hyderabad (Attapur), Rajendranagar Mandal, Hyderabad-48, is appointed as an Arbitrator to resolve the disputes between the parties arising out of the Development Agreement-GPA dt.05.10.2006.

5. Accordingly, this Arbitration Application is allowed. There shall be no order as to costs.

6. As a sequel, miscellaneous applications, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 16.07.2019
LSK